

# Order

Michigan Supreme Court  
Lansing, Michigan

September 28, 2009

Marilyn Kelly,  
Chief Justice

137765

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 137765  
COA: 278446  
Marquette CC: 07-044351-FH

KEVIN RAY FISHER,  
Defendant-Appellant.

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By order of March 23, 2009, the application for leave to appeal the October 2, 2008 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Idziak* (Docket No. 137301). On order of the Court, the case having been decided on July 31, 2009, 484 Mich 549 (2009), the application is again considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J., would grant leave to appeal for the reasons set forth in her opinion in *People v Idziak*, 484 Mich 549 (2009).

CAVANAGH, J., would grant leave to appeal to reconsider *People v Idziak*, 484 Mich 549 (2009).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 28, 2009

*Corbin R. Davis*

Clerk